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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,852	03/31/1999	DARYL CARVIS CROMER	RP9-99-048	7708

7590

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EXAMINER

LEE, CHI-CHUNG E

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 01/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/281,852

Applicant(s)

CROMER ET AL.

Examiner

Chi-Chung E Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/31/1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because of the **Figure 2 is illegible**. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 10 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 10 is directed to a system comprising code (i.e. software). It does not fall within the statutory classes listed in 35 U.S.C. 101.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a

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gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: The code for establishing a hardware master key pair appears to have no interaction with the code for encrypting. Notice that the operation of the code for establishing has no effect on the code for encrypting, or vice versa.

6. Claims 11-18 are objected to because of the following informalities: They depend on and thus inherit the problems of indefiniteness in the claim 10, which has been rejected under 35 U.S.C. 112 above.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4, 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by SPIES (US 5,689,565).

9. As per claim 10, SPIES is directed to the cryptography system architecture for performing cryptographic primitives including encrypting, decrypting, signing and authenticating functions. SPIES discloses the commerce documents including purchase orders, and receipt (i.e. application) and commerce instructions including payment instructions (e.g., checks and credit cards), which is associated with the particular user; see column 5 lines 20-34. SPIES also

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discloses the computing unit generates an asymmetric key exchange pair of public and private cryptography keys (i.e. a hardware master key pair). The key pair is used during commence transaction to encrypt keys that in turn are used to encrypt data contained in the message; see column 8 line 61- column 9 line2. Claim 10 is rejected.

11. As per claim 11, SPIES is directed the commence application is stored in the memory (i.e. non-protected storage device); see figure 10. Claim 11 is rejected.

12. As per claims 12, 13, the cryptography system has a cryptographic application program interface (CAPI) and at least one Cryptographic service provider (CSP). The CSP stores the participant's key exchange pair of private/public keys that is used to decrypt messages sent by other participants. The CSPs 174(a)-174(d) are dynamically accessible by the CAPI 172 using conventional loading techniques; see column 17 line 13 – column 18 line 37. Claims 12, 13 are rejected.

13. Claims 1 – 4 are method claims corresponding to claim 10-13. Claims 1-4 are therefore rejected.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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15. Claims 5-9, 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over SPIES et al as applied to claims 1- 4, 10-13 above, and further in view of DILLINGHAM (US 6,327,608).

16. As per claims 14-16, SPIES is directed to a Cryptography system and method that protect a user's keys and prevents undesired access and use of cryptographic functions without authorization from the user. SPIES does not expressly disclose the system comprising a remote data processing system and establishing a browser program for assessing program.

DILLINGHAM is directed to a system architecture enables remote browsing administration of physical file directories resident on a server from a remote client browser. The browser dialog 122 is built using a combination of server-side ASP files written using VBScript and client-side scripts written in JavaScript; see column 5 line 42 – column 6 line 60; Fig 5.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the system for remotely browsing and administering file directories in the server-side.

One of ordinary skill in the art would have been motivated to do this is remote management of a server's file directory over the Internet, through a firewall, and in a secure manner. Claims 14-16 are rejected.

17. As per claim 17, SPIES is directed to the encrypted commercial document and payment instruction are transmitted to the first recipient; see column 7 lines 29-54. Claim 17 is rejected.

18. As per claim 18, DILLINGHAM discloses that a number of program modules may be stored on the hard disk. These programs include an operating system, one or more application programs and other program modules; see column 5 lines 12- 20. Claim 18 is rejected.

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19. Claims 5-9 are method claims corresponding to claim 14-18. Claims 5-9 are therefore rejected.

20. Claim 19 is a claim corresponding to claims 10-18. Claim 19 is therefore rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi-Chung E Lee whose telephone number is 703-306-4153.

The examiner can normally be reached on 8 am - 5 pm, Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gail O Hayes can be reached on 703-305-9711. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Chi-Chung Lee
January 2, 2003


LY V. HUA
PRIMARY EXAMINER